



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

JRE

Docket No: 510-00

21 November 2000

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 2 November 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you served on active duty in the Marine Corps from 15 July 1997 to 15 April 1998, when you were discharged by reason of physical disability because of a brain cyst which existed prior to your enlistment, and was not aggravated by your service. You were assigned a reenlistment code of RE-3P, to indicate that you require a waiver of a physical disqualification in order to reenlist.

Although the Board admires your desire to reenlist in the Marine Corps, it was not persuaded that your discharge by reason of physical disability was erroneous. In this regard, it noted that the brain cyst which resulted in your discharge, although not malignant, is a condition which would have disqualified you from enlistment had it been discovered before you enlisted. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

As your disqualification may be waivable, you should contact local recruiting officials to determine whether waiver consideration is available in your case.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director